

REMARKS

Claims 1-4, 10-14, and 16-20 remain in the application as originally filed.

In the Restriction Requirement dated June 28, 2005, the Examiner required restriction to one of the following inventions:

- I. Claims 1-4, 10, and 11-14 drawn to "A non-non-volatile content addressable memory,"
- II. Claims 5-9 and 15 drawn to "A method of searching a binary word,"
- III. Claims 16-17 and 18-20 drawn to "A memory comprising a plurality of transistors."

In remarks accompanying the Restriction Requirement, the Examiner stated that inventions are "unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects," citing to M.P.E.P. §§ 806.04, and 808.01.

Applicant respectfully disagrees with the basis for the Restriction Requirement, and in response to thereto provisionally elects to prosecute the claims classified by the Examiner under Group I, which are claims 1-4, 10, and 11-14, and provisionally withdraw claims 16-17 and 18-20, and cancel claims 5-9 and 15.

Applicants respectfully request that claims 1-4, 10, and 11-14 in Group I be examined in conjunction with claims 16-17 and 18-20 classified in Group III because the inventions claimed therein are not independent and unrelated.

The Manual of Patent Examining Procedure at § 806.04 defines independent inventions as follows:

If it can be shown that the two or more inventions are in fact independent, applicant should be required to restrict the claims presented to but one of such independent inventions. For example:

- (A) Two different combinations, not disclosed as capable of use together, having different modes of operation, different functions or different effects are independent. An article of apparel such as a shoe, and a locomotive bearing would be an example. A process of painting a house and a process of boring a well would be a second example.

- (C) Where species under a genus are independent, for example, a genus of paperclips having species differing in the manner in which a section of the wire is formed in order to achieve a greater increase in its holding power.

Turning to the claims, Claim 1 is directed to a non-volatile content addressable memory that includes a multiplicity of memory cells ordered into a matrix of rows and columns, a word line associated with every row of cells, first and second bit lines associated with the cells, input and output terminals, a ground control line, a ground line and a match control line associated with every row of cells, each cell including first and second non-volatile memory elements, and first, second, and third controlled electronic switches.

In comparison, claim 16 is directed to a memory that includes a plurality of memory cells arranged in rows and columns forming a memory matrix, each memory cell having five transistors coupled to a word line, a first and second bit line, and to a match control line, a match input line, a match output line, and a voltage reference source. Similarly, claim 18 is directed to a computer system having a microprocessor with a memory associated therewith, the memory including a plurality of memory cells, each cell having a first through a fifth transistor that are coupled to a word line, a first and second bit lines, a match control line, a match input line, and a match output line.

It is clear that the inventions of claims 16 and 18 are not independent and distinct of the invention in claim 1 in the sense that a shoe is distinct from a locomotive bearing or painting a house would be distinct from a process of boring a well. All three sets of claims are directed to a computer memory in which there are a plurality of memory cells arranged in rows and columns to a matrix, each cell associated with a word line, first and second bit lines, and input and output terminals. Moreover, while claims 16 and 18 refer to transistors, and claim 1 refers to memory elements and electronic switches, as does claim 11, claims 12-14 which depend from claim 11, clearly recite transistors.

The Examiner refers to M.P.E.P. § 806.04 and M.P.E.P. § 808.01. Even under these sections, the inventions are not independent and distinct. For example, M.P.E.P. § 808.01 defines inventions as “independent” when they “are not connected in design, operation, or effect under the disclosure of the particular application under consideration . . .” In the form paragraph following this section, the example of unrelated inventions is given as a necktie and a locomotive

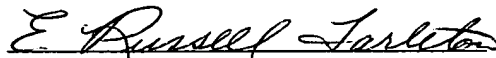
bearing. Under this standard the invention set forth in claims 1-4, 10, and 11-14 are clearly related to and non-distinct from the invention recited in claims 16-17 and 18-20 for the reasons discussed above.

In view of the foregoing, applicant respectfully requests the Restriction Requirement with respect to claims 1-4, 10, and 11-14 in Group I and claims 16-17 and 18-20 in Group III be withdrawn and that these claims be examined together.

Thus, in response to the Restriction Requirement dated June 28, 2005, applicant has elected with traverse, Group I, claims 1-4, 10, and 11-14, and seeks examination of Group III, claims 16-17, and 18-20 at this time. Applicant has canceled claims 5-9, and 15 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Consideration of the elected claims is now requested.

Respectfully submitted,

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